IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 7710/2005

VED PRAKASH AERAN
Vs.
BHARAT PETROLEUM CORPORATION. LTD.

DATE: 10.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Manish Gupta for the petitioner.
Mr. A. Kasliwal for the respondent.

****

The only relief claimed by the petitioner in this writ petition is that the respondent Bharat Petroleum Corporation Ltd. be directed to issue letter of intent in favour of the petitioner as the petitioner was duly selected by the selection board as dealer.

This has been denied by the respondent on the ground that at the time of filling the form, in the column 'whether any criminal case is pending' the petitioner has mislead the respondent and furnished wrong information, whereas FIR No. 273/2003 dated 09.09.2003 was registered against the petitioner for the offences under Sections 3(2), 6 and 7 of the Essential Commodities Act and cognizance has also been taken by the Court below for the aforesaid offences and

a criminal case No. 512/2003 was registered against the petitioner.

It is also informed by the learned counsel appearing for the petitioner that in the aforesaid criminal case the petitioner has already been discharged from the aforesaid offences vide judgment dated 21.07.2006 passed by the Additional Chief Judicial Magistrate No.3, Alwar.

Learned counsel for the respondent submits that since the petitioner has concealed the material fact that no criminal case involving moral turpitude and economic offences are pending against him, therefore, the letter of intent has rightly not been issued in favour of the petitioner.

In support of his submissions, the learned counsel for the respondent has placed reliance on the judgment rendered by the Hon'ble Supreme Court in the case of **Shankarsan Dash Vs. Union of India, AIR 1991 SC 1612,** wherein it has been held by the Hon'ble Supreme Court that inclusion of candidate's name in merit list does not confer any right to be selected.

The same view has been taken by the Division Bench of this Court in the case of **Smt. Bimla Lakhera Vs. State of Raj. & Others, 2002(4) WLC (Raj.) 103,** wherein it has been held that the petitioner cannot

claim appointment merely on the basis of recommendations made by the selection board.

Thus, the letter of intent has not been issued to the petitioner. Further the S.P., CBI vide its letter dated 31.08.2005 stated that in connection with the verification of the subject cited complaint the photocopies of the documents submitted by Shri Ved Prakash Airan S/o Shri Prahlad Airan, who has been allotted retial outlet (petrol pump) at Bansoor (Alwar) is required. It is further requested that the photocopies of the above mentioned documents may pleased be provided to Shri Sanjeev Kumar, Inspector of Police, SPE. CBI, Jaipur, which indicates that the CBI enquiry was also pending against the petitioner.

In such circumstances, I am not convinced with the submissions made on behalf of the petitioner. No case for directing the respondent to issue a letter of intent in favour of the petitioner is made out as the petitioner filed this writ petition without serving notice for demand of justice.

In view of the observations made herein above, I find no merit in the writ petition. The writ petition fails and the same is accordingly dismissed.

(K.S. RATHORE),J.

/KKC/